

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

RANDAL MCCOY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:22-cv-377-LCB-GMB
)	
LANCE BELL, <i>et al.</i> ,)	
)	
Defendants.)	
)	

MEMORANDUM OPINION

The Magistrate Judge entered a report on August 29, 2023 recommending the dismissal of this action without prejudice under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief can be granted and for seeking monetary relief from defendants who are immune from such relief. (Doc. 29).¹ The Magistrate Judge advised the plaintiff of his right to file written objections within 14 days, and on September 21, 2023, McCoy filed a motion for an extension of time to file objections to the report and recommendation. (Doc. 30). The Court granted McCoy's motion, allowing him to file any objections by October 10, 2023. (Doc. 31). On October 13, 2023, McCoy filed a "Motion for time to leave and Amended Complaint," in which he objects to the Magistrate Judge's recommendation to dismiss his complaint.


¹ The Magistrate Judge previously entered a report and recommendation on April 14, 2023 (Doc. 19) but withdrew the report (Docs. 23, 25) after the plaintiff filed an objection. (Doc. 22). The plaintiff filed an amended complaint on June 29, 2023. (Doc. 26).

(Doc. 32). Although McCoy argues that his constitutional rights have been “usurped and the individuals responsible were acting under the color of law when depriving [him] of his rights,” he does not address any of the Magistrate Judge’s grounds for dismissal. (Doc. 32 at 1). McCoy requests additional time to amend his complaint but does not explain how amending his complaint would cure the deficiencies in his complaint. Furthermore, the court has already allowed McCoy an opportunity to amend his complaint. *See* Docs. 24, 26.

After careful consideration of the record in this case and the Magistrate Judge’s report, the Court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation and 28 U.S.C. § 1915A(b), this action should be **DISMISSED WITHOUT PREJUDICE** for failing to state a claim upon which relief can be granted and for seeking monetary relief from defendants who are immune from suit. The plaintiff’s “Motion for Jhon Doe Discovery” (Doc. 27) is also **DENIED**.

A final judgment will be entered separately.

DONE and **ORDERED** October 30, 2023.


LILES C. BURKE
UNITED STATES DISTRICT JUDGE